

# HOUSE BILL No. 1178

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-8-3-1; IC 11-10-2-11; IC 31-31-8-3; IC 36-2-13-17.

**Synopsis:** Private prisons. Prohibits the state, a juvenile court, or a sheriff from providing custody or confinement of an offender in a penal facility operated by an entity other than a city, county, state, or federal authority after June 30, 2005. Requires the department of correction (DOC) to report annually to the general assembly concerning the steps the DOC is taking to implement this requirement. Authorizes the state office building commission to provide the necessary facilities before July 1, 2005.

**Effective:** July 1, 2002.

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**Harris, Dickinson**

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January 9, 2002, read first time and referred to Committee on Ways and Means.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1178

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 11-8-3-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The department may contract  
3 with any city, county, state, or federal authority or with other public or  
4 private organizations for:  
5 (1) the custody, care, confinement, or treatment **before July 1,**  
6 **2005,** of committed persons; or  
7 (2) the provision **before July 1, 2005,** of other correctional or  
8 related services to committed persons.  
9 (b) **The department may contract with a city, county, state, or**  
10 **federal authority or with other public or private organizations for:**  
11 **(1) the care or treatment after June 30, 2005, of committed**  
12 **persons; or**  
13 **(2) the provision after June 30, 2005, of other correctional or**  
14 **related services to committed persons.**  
15 (c) **The department may contract with a city, county, state, or**  
16 **federal authority for the custody or confinement after June 30,**  
17 **2005, of committed persons. The department may contract with**



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1 **public or private organizations for placement after June 30, 2005,**  
 2 **of delinquent offenders in a secure private facility (as defined in**  
 3 **IC 31-9-2-115).**

4 (d) Before transferring a committed person to the custody, care, or  
 5 control of an agency or organization under such a contract, the  
 6 department must approve the receiving facility or program as suitable  
 7 for the supervision and care of the person.

8 (e) The department may contract with individuals for the  
 9 provision of services to the department. **After June 30, 2005, services**  
 10 **for the custody or confinement of a committed person may not be**  
 11 **provided by an individual.**

12 (f) To fund contracts under this section the department may use:

- 13 (1) its regular budgeted monies; and
- 14 (2) if applicable, monies deducted from the person's earnings  
 15 under IC 11-10-7-5 or IC 11-10-8-6.

16 SECTION 2. IC 11-10-2-11 IS ADDED TO THE INDIANA CODE  
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 18 1, 2002]: **Sec. 11. After June 30, 2005, custody and confinement of**  
 19 **a committed person, other than for:**

- 20 (1) **medical treatment and care under IC 11-10-3 or**  
 21 **IC 11-10-4; or**
- 22 (2) **placement of a delinquent offender in a secure private**  
 23 **facility (as defined in IC 31-9-2-115);**

24 **must be provided in a facility operated by a city, county, state, or**  
 25 **federal authority.**

26 SECTION 3. IC 31-31-8-3, AS AMENDED BY P.L.273-1999,  
 27 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2002]: Sec. 3. (a) The juvenile court may establish juvenile  
 29 detention and shelter care facilities for children, except as provided by  
 30 IC 31-31-9.

31 (b) The court may contract with other agencies to provide juvenile  
 32 detention and shelter care facilities. **After June 30, 2005, the court**  
 33 **may provide juvenile detention facilities only through a facility**  
 34 **that is operated by a city, county, state, or federal authority.**

35 (c) If the juvenile court operates the juvenile detention and shelter  
 36 care facilities, the judge shall appoint staff and determine the budgets.

37 (d) The county shall pay all expenses. The expenses for the juvenile  
 38 detention facility shall be paid from the county general fund. Payment  
 39 of the expenses for the juvenile detention facility may not be paid from  
 40 the county family and children's fund established by IC 12-19-7-3.

41 SECTION 4. IC 36-2-13-17 IS ADDED TO THE INDIANA CODE  
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2002]: Sec. 17. After June 30, 2005, the sheriff may not provide custody or confinement of a person convicted of an offense or adjudicated as a delinquent child in a penal facility that is not operated by a city, county, state, or federal authority.

SECTION 5. [EFFECTIVE JULY 1, 2002] (a) Before September 1 in 2002, 2003, and 2004, the department of correction shall submit to the executive director of the legislative services agency for distribution to legislators a report containing the following:

(1) An explanation of the number and types of confined persons for which custody or confinement is being provided in a facility operated by a person other than a city, county, state, or federal authority.

(2) A description of the progress the department of correction has made in the preceding twelve (12) months toward providing custody or confinement of committed persons only in facilities that are operated by a city, county, state, or federal authority.

(3) A description of the steps the department of correction will take in the next twelve (12) months to provide custody or confinement of committed persons only in facilities that are operated by a city, county, state, or federal authority.

(b) The general assembly encourages the department of correction to take all necessary steps to reduce, before July 1, 2005, the number of confined persons for which custody or confinement is being provided in a facility that is operated by a person other than a city, county, state, or federal authority.

(c) The general assembly finds that the state needs construction, equipping, renovation, refurbishing, and alteration of correctional facilities for use by the department of correction. The general assembly finds that the state will have a continuing need for use and occupancy of those correctional facilities. The general assembly authorizes the state office building commission to provide facilities under IC 4-13.5-1 and IC 4-13.5-4 before July 1, 2005, including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4, subject to the approval of the budget agency after review by the budget committee.

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